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February 15, 2017

Electronic Mail to: jbelleau@tmbf-law.com

Jan B. Kippax, D.M.D.
c/o James E. Belleau, Esq.
Trafton, Matzen, Belleau & Frennette, LLP
Ten Minot Avenue,
P.O. Box 470
Auburn, ME 04212-0470

RE: Maine Board of Dental Practice Complaint Nos. 16-5, 16-6, 16-11, 16-19, 16-20, 16-21, 16-22, 16-37, 16-38, 16-39, 16-40, 16-42, 16-43, 16-45, 16-47, 16-69, 16-71 and 16-103.

ORDER OF IMMEDIATE SUSPENSION
OF DR. JAN B. KIPPAX'S LICENSE
TO PRACTICE DENTISTRY

Dear Mr. Belleau:

On February 10, 2017 the Board of Dental Practice's Complaint Committee assigned to investigate the above-identified complaints against Dr. Jan B. Kippax made an initial presentation of the results of the Committee's investigation to the full Board. The Committee's investigation included an inspection of Dr. Kippax's office, reviews of complainant's submissions, reviews of Dr. Kippax's responses to complainants' submissions, and reviews of practice records submitted by Dr. Kippax.

The Board preliminary finds, for purposes of this Order, that:

1. Dr. Kippax is an oral surgeon with authority to do sedation who has been licensed by the Board at all times relevant to the complaints under consideration.
2. On multiple occasions, Dr. Kippax failed to make appropriate pre-operative, intra-operative, and/or post-operative assessments for management of patients' pain, sometimes continuing with procedures before anesthesia took effect and/or delaying procedures until anesthesia would no longer be fully effective.
3. On multiple occasions, Dr. Kippax continued with painful dental procedures, even though patients instructed him either to stop or to provide additional relief from pain.
4. On multiple occasions, Dr. Kippax failed to address patient anxiety, fear, and pain, with respect to pain management.
5. On multiple occasions during intravenous patient sedation, Dr. Kippax failed to monitor and document significant incidents.
6. Dr. Kippax has failed to select appropriate medication and/or medication dosage, given patients' individual assessments.
7. In instances when multiple and properly timed administrations of drugs were necessary to induce sedation, Dr. Kippax has failed to document times of administration.
8. On multiple occasions, Dr. Kippax failed to create adequate patient clinical records, adequate records of patient consent for oral surgery, and/or adequate records of the use of anesthesia. For multiple occasions, such records which were created reflect inadequate attention to patient history, diagnosis, clinical concerns, and/or administration of anesthesia.
9. On multiple occasions, Dr. Kippax has discharged patients without proper pre-discharge evaluation, has failed to provide patients with appropriate medication for care post-surgery, and/or has failed to provide patients with adequate instructions for aftercare.
10. Dr. Kippax has aided and abetted the unlicensed practice of dentistry, by allowing dental assistants to perform functions outside their scope of practice, including the discharge of surgical patients.

11. At his practice location, Dr. Kippax has stored expired medications, some of which are for use during emergencies and all of which are required to be current to perform sedation services.
12. Dr. Kippax has not adequately stored potentially infectious medical waste.
13. On one occasion, Dr. Kippax unnecessarily exposed a pregnant woman in her first trimester to potentially harmful ionizing radiation.
14. On multiple occasions, Dr. Kippax has failed to consult or correspond appropriately with patients' referring dentists and/or patients' medical providers.
15. Dr. Kippax has performed procedures while not wearing gloves or has not changed contaminated gloves as needed.
16. On multiple occasions, Dr. Kippax has failed to take measures to ensure appropriate hemostasis of surgical sites.
17. On multiple occasions, Dr. Kippax or his staff inappropriately restrained patients during dental procedures.
18. On multiple occasions, Dr. Kippax's treatment has necessitated patient visits to medical facilities for emergency care.
19. Dr. Kippax has at times taken inadequate measures to ensure infection control at his practice location.
20. Dr. Kippax failed to keep practice infection and exposure control plans and comply with Centers for Disease Control Guidelines for Infection Control in Dental Health-Care Settings (2003) and the U.S. Department of Labor Occupational Safety and Health Administration's standards for dealing with Bloodborne Pathogens.
21. In performing dental alveoplasty, Dr. Kippax has removed an excessive amount of alveolar bone, limiting, possibly eliminating, a patient's chances for successful use of prosthetic dental devices.
22. Dr. Kippax has extracted teeth other than those intended to be extracted.

23. Dr. Kippax has an exceedingly busy schedule of patient appointments, increasing the risk that treatment of new patients will be subject to error, inappropriate treatment, and harmful conditions summarized above.

For purposes of this Order, the Board concludes that its preliminary findings, if proven by a preponderance of the evidence, would constitute grounds for the imposition of licensing discipline pursuant to:

1. Title 32 M.R.S. § 18325(1)(D)¹ (incompetence);
2. Title 32 M.R.S. § 18325(1)(H)²; Board Rules, Chapter 9, § II(A); and American Dental Association Principles of Ethics and Code of Professional Conduct, § 2.C (aiding and abetting unlicensed practice);
3. Board Rules, Chapter 9 § II(R) for violating standards of care set forth in, *e.g.*, the following authorities:
 - a. Centers for Disease Control Guidelines for Infection Control in Dental Health-Care Settings (2003);
 - b. U.S. Department of Labor Occupational Safety and Health Administration standards for dealing with Bloodborne Pathogens;
 - c. Guidelines for Sedation outlined in Board Rules, Chapter 14;
 - d. American Dental Association Principles of Ethics and Code of Professional Conduct, § 2.B mandating consultation with a colleague whenever the welfare of a patient will be served thereby;
 - e. American Dental Association Principles of Ethics and Code of Professional Conduct, § 2 (the duty to do no harm);
 - f. American Dental Association Principles of Ethics and Code of Professional Conduct, § 1 (patient autonomy, obtaining patients' full consent before commencing dental procedures, involvement of patients in treatment decisions); and
 - g. American Dental Association Principles of Ethics and Code of Professional Conduct, § 1.B (maintenance of patients' records in a manner consistent with patients' welfare);

¹ For complaints filed prior to the July 29, 2016 effective date of P.L. 2015, c. 429, the applicable and substantively same statute is 32 M.R.S. § 1077(2)(E).

² For complaints filed prior to the July 29, 2016 effective date of P.L. 2015, c. 429, the applicable and substantively same statute is 32 M.R.S. § 1077(2)(D).

4. Title 32 M.R.S. § 18325(1)(O)³ (violation of a Board statute or rule); and
5. Title 32 M.R.S. § 18325(1)(E)⁴ (unprofessional conduct, *e.g.*, actions described in Paragraphs 1 through 4 immediately above).

The conduct of Dr. Kippax summarized above is contrary to fundamental principles and standards of dentistry as a healing profession. Dr. Kippax's demonstrated lack of skill, lack of empathy, lack of respect for his patients, and lack of commitment to serving his community in a safe and caring way are antithetical to the historical role of dentists as individuals holding a special position of trust within society. Dr. Kippax's failures to treat patients in a manner worthy of society's trust have put the health and safety of his patients and staff in immediate jeopardy. If he is allowed to continue to practice in his reckless and harmful way, innocent patients are destined to continue to suffer dire consequences.

The preeminent purpose of the Board of Dental Practice is to protect the public health and welfare. 10 M.R.S. § 8008; 32 M.R.S. § 18321(1). The Board will not abandon that preeminent purpose by allowing Dr. Kippax to continue to practice pending an adjudicatory hearing. Consequently, the Board finds that it is necessary to suspend Dr. Kippax's license to practice dentistry pursuant to 5 M.R.S. § 10004(3), and it is hereby Ordered:

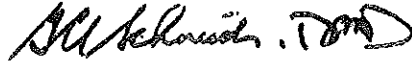
**Dr. Jan B. Kippax may not practice
any aspect of dentistry, including without
limitation the writing of prescriptions
or the directing or supervising of any
dentist's or dental auxiliary's performance
of dental services.**

The suspension of Dr. Kippax's license to practice dentistry commences at 12:01 a.m. on February 16, 2017, and shall continue for 30 days thereafter.

Dr. Kippax will have an opportunity to contest the Board's findings at a public adjudicatory hearing to be held prior to the expiration date of the license suspension imposed by this Order. Counsel will receive formal notice of that hearing, which will include information about the issues to be presented, procedures to be followed, and the date and time of hearing. Hearing will occur at the Board office, 161 Capitol Street, 143 State House Station. Augusta, Maine 04333-0143.

³ For complaints filed prior to the July 29, 2016 effective date of P.L. 2015, c. 429, the applicable and substantively same statute is 32 M.R.S. § 1077(2)(H).

⁴ For complaints filed prior to the July 29, 2016 effective date of P.L. 2015, c. 429, the applicable and substantively same statute is 32 M.R.S. § 1077(2)(F).



Geraldine A. Schneider, D.M.D.
Board Chairperson

cc: James M. Bowie, Assistant Attorney General
Penny Vaillancourt, Board Executive Director